

Reported Recommending
 Ind. Postponed
 Passed Senate
 Failed to Pass Senate
 Passed House
 Failed to Pass House

Senate File 107

January 24, 1947.

By HENNINGSEN.

A BILL FOR

An Act to amend section six hundred thirty point one (630.1)
 Code 1946, relating to proceedings auxiliary to execution,
 in order to give jurisdiction to municipal courts to
 hear these proceedings.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. Section six hundred thirty point one (630.1)
- 2 Code 1946, is hereby amended by inserting in line four (4)
- 3 after the comma following the word "superior" and before the
- 4 word "district", the following word and comma "municipal,".

EXPLANATION OF S. F. 107

This bill is non-controversial. A recent supreme court decision, *Missildine v. Brightman*, 234 Iowa 1339 at page 1346, held that by designating a court in express terms in a statute would, by the usual and ordinary rules of construction, exclude all others. This bill merely gives municipal courts jurisdiction to hear proceedings auxiliary to execution, which by section 630.1 of the 1946 Code as construed by the supreme court, is only given to superior, district and the supreme court. This bill merely corrects an oversight in omitting municipal courts in listing the courts of record in this statute. Municipal judges and attorneys have always assumed that municipal courts had jurisdiction over proceedings auxiliary to execution until the supreme court ruled otherwise in the above cited case.